

REMARKS

Claims 1-3, 6-10 and 12 are pending. Claim 11 has been cancelled. Claims 1-3, 6-10 and 12 have been allowed.

The prosecution on the merits is closed with the practice under *Ex Parte Quayle*, however, the Examiner has asked applicant to address certain formalities. Accordingly, Applicant addresses the formal matters below.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication that Claims 1-3, 6-10 and 12 are allowed.

Formal Matters--Interference

The Examiner has stated that the only question to be resolved prior to allowance is the question of inventorship priority, which is properly resolved under interference proceedings. MPEP 2304.

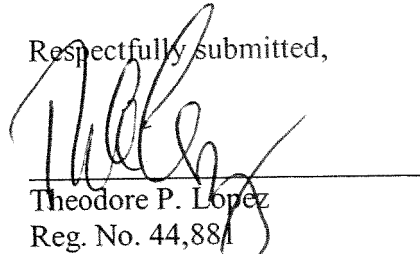
The Examiner has invited Applicant under 37 C.F.R. 41.202 to suggest an interference with United States Patent No. 6,254,563. In this matter, Applicant chooses not to suggest an Interference with United States patent No, 6,254, 563 to Macoviak. According to MPEP 2304.04(a), if the applicant does not suggest an Interference, then the Examiner should work with an Interference Practice Specialist (IPS) to suggest an Interference to the Board of Patent Appeals and Interferences.

As previously suggested to the Examnier, the present application has an effective filing date of May 12, 1997, which is more than six months earlier than the effective filing date of Macoviak '536. The count is identical to Claim 1. Claims 1-3, 6-10 and 12 from the present application correspond to the proposed count. It is asserted that Claims 1-58 from the Mocoviak '563 patent correspond to the proposed count. The Applicant has previously identified support for each of the pending claims from the present specification. (Office Action Response dated March 25, 2004).

If the Examiner has any questions or concerns, a telephone call to the undersigned at 949-

955-1920 is welcomed and encouraged.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Theodore P. Lopez', is written over a horizontal line.

Dated: August 21, 2006

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